

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EDWARD JOSEPH HONABACH,
Petitioner,
v.
STATE OF NEVADA, *et al.*,
Respondents.

Case No. 3:25-cv-00168-ART-CLB
ORDER

Petitioner Edward Joseph Honabach, a *pro se* Nevada prisoner, initiated this case by submitting a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 (ECF No. 1-1). The Court ordered Honabach to either file an application to proceed *in forma pauperis* (IFP) or pay the \$5 filing fee no later than April 30, 2025. ECF No. 3. The order was returned as undeliverable with a notation indicating that Honabach is not in custody at the Northern Nevada Correctional Center. ECF No. 4. The Local Rules of Practice require all parties, including habeas petitioners, to immediately file with the court written notice of any change of address. LRIA 3-1, LR 2-2. The Local Rules also warn that failure to comply may result in dismissal of the action, with or without prejudice, or other sanctions as the court deems appropriate. *Id. See also Carey v. King*, 856 F.2d 1439, 1441 (9th Cir. 1988) (“A party, not the district court, bears the burden of keeping the court apprised of any changes in his mailing address.”).

The Court warned Honabach that a failure to comply would result in the dismissal of this action without prejudice and without further advance notice. *Id.* To date, Honabach has not paid the \$5 filing fee, filed an IFP Application, requested an extension of time, or taken any other action to prosecute this case.

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1 **I. DISCUSSION**

2 District courts have the inherent power to control their dockets and “[i]n
3 the exercise of that power, they may impose sanctions including, where
4 appropriate . . . dismissal” of a case. *Thompson v. Hous. Auth. of City of Los*
5 *Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action based
6 on a party’s failure to obey a court order or comply with local rules. *See Carey v.*
7 *King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (affirming dismissal for failure to
8 comply with local rule requiring *pro se* plaintiffs to keep court apprised of
9 address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987)
10 (dismissal for failure to comply with court order). In determining whether to
11 dismiss an action on one of these grounds, the Court must consider: (1) the
12 public’s interest in expeditious resolution of litigation; (2) the court’s need to
13 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy
14 favoring disposition of cases on their merits; and (5) the availability of less drastic
15 alternatives. *See In re Phenylpropanolamine Prod. Liab. Litig.*, 460 F.3d 1217,
16 1226 (9th Cir. 2006) (quoting *Malone v. U.S. Postal Serv.*, 833 F.2d 128, 130 (9th
17 Cir. 1987)).

18 The first two factors, the public’s interest in expeditiously resolving this
19 litigation and the court’s interest in managing its docket, weigh in favor of
20 dismissal. The third factor, risk of prejudice to defendants, also weighs in favor
21 of dismissal because a presumption of injury arises from the occurrence of
22 unreasonable delay in filing a pleading ordered by the court or prosecuting an
23 action. *See Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth
24 factor—the public policy favoring disposition of cases on their merits—is greatly
25 outweighed by the factors favoring dismissal.

26 The fifth factor requires the Court to consider whether less drastic
27 alternatives can be used to correct the party’s failure that brought about the
28 court’s need to consider dismissal. *See Yourish v. Cal. Amplifier*, 191 F.3d 983,

1 992 (9th Cir. 1999) (explaining that considering less drastic alternatives *before*
2 the party has disobeyed a court order does not satisfy this factor); *accord*
3 *Pagtalunan v. Galaza*, 291 F.3d 639, 643 & n.4 (9th Cir. 2002) (explaining that
4 “the persuasive force of” earlier Ninth Circuit cases that “implicitly accepted
5 pursuit of less drastic alternatives prior to disobedience of the court’s order as
6 satisfying this element[,]” *i.e.*, like the “initial granting of leave to amend coupled
7 with the warning of dismissal for failure to comply[,]” have been “eroded” by
8 *Yourish*). Courts “need not exhaust every sanction short of dismissal before finally
9 dismissing a case, but must explore possible and meaningful alternatives.”
10 *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986). Because this court
11 cannot operate without collecting reasonable fees, and litigation cannot progress
12 without Diaz-Castro’s compliance with court orders, the only alternative is to
13 enter a second order setting another deadline. But the reality of repeating an
14 order is that it often only delays the inevitable and squanders the court’s finite
15 resources. The circumstances here do not indicate that this case will be an
16 exception. Setting another deadline is not a meaningful alternative given these
17 circumstances. So the fifth factor favors dismissal.

18 **II. CONCLUSION**

19 It is therefore ordered that Petitioner Christopher Edward Joseph
20 Honabach’s Petition for Writ of Habeas Corpus (ECF No. 1-1) is DISMISSED
21 WITHOUT PREJUDICE based his on failure to comply with the Court’s Order
22 (ECF No. 3) or the Local Rules of Practice.

23 It is further ordered that Petitioner is denied a certificate of appealability,
24 as jurists of reason would not find dismissal of the petition for the reasons stated
25 herein to be debatable or wrong.

26 It is further ordered that the Clerk of Court is instructed to add Nevada
27 Attorney General Aaron D. Ford as counsel for Respondents. No response is
28 required from Respondents other than to respond to any orders of a reviewing

1 court.

2 It is further ordered that pursuant to Rule 4 of the Rules Governing Section
3 2254 Cases, the Clerk of Court will file the Petition (ECF No. 1-1), direct informal
4 electronic service upon Respondents, and provide to Respondents an electronic
5 copy of all items previously filed in this case by regenerating the Notice of
6 Electronic Filing to the office of the AG only.

7 It is further ordered that the Clerk of Court is instructed to enter final
8 judgment accordingly and close this case.

9 DATED THIS 15th day of July, 2025.

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ANNE R. TRAUM
13 UNITED STATES DISTRICT JUDGE
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